United Nations S/2008/648

Security Council

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United States of America: draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Sudan, in particular resolutions 1828 (2008) of 31 July 2008, 1779 (2007) of 28 September 2007, 1769 (2007) of 31 July 2007, 1713 (2006) of 29 September 2006, 1672 (2006) of 25 April 2006, 1665 (2006) of 29 March 2006, 1651 (2005) of 21 December 2005, 1591 (2005) of 29 March 2005, and 1556 (2004) of 30 July 2004 and statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Stressing again its firm commitment to the cause of peace throughout Sudan, full implementation of the Comprehensive Peace Agreement of 9 January 2005, full implementation of the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement), and an end to the violence and atrocities in Darfur,

Reiterating the importance of promoting a political process to restore peace and stability in Darfur, and *strongly urging* those parties who have not yet agreed to participate in negotiations to do so immediately and all parties to the conflict to engage fully and constructively in the process and to cooperate with African Union/United Nations Chief Mediator Djibril Bassolé,

Reiterating its belief in the basis provided by the Darfur Peace Agreement for a lasting political solution and sustained security in Darfur, *deploring* that the Agreement has not been fully implemented by the signatories and not signed by all parties to the conflict in Darfur,

Noting with strong concern the ongoing violence, impunity, and consequent deterioration of the humanitarian situation, and reiterating its deep concern about the security of civilians and humanitarian aid workers and about humanitarian access to populations in need, and calling upon all parties in Darfur to cease offensive actions immediately and to refrain from further violent attacks,

Demanding that there should be no aerial bombings nor the use in Darfur, by any party to the conflict, of white aircraft or aircraft with markings resembling those

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on United Nations aircraft, and demanding that the parties to the conflict exercise restraint and cease military action,

Commending the efforts of, and reiterating its full support for, the joint African Union/United Nations chief mediator of the African Union, the United Nations Secretary-General, the League of Arab States, and the leaders of the region to promote peace and stability in Darfur, looking forward to the full and rapid deployment of the African Union/United Nations Mission in Darfur (UNAMID), and expressing strong support for the political process under the African Union/United Nations-led mediation,

Recalling the 27 May 2008 midterm report by the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005) and extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and taking note of the Panel's final report (S/2008/647, annex), and expressing its intent to study the Panel's recommendations further and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend until 15 October 2009 the mandate of the current Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and requests the Secretary-General to take the necessary administrative measures;

2. *Requests* the Panel of Experts to provide no later than 29 March 2009 a midterm briefing on its work and no later than 90 days after adoption of this resolution an interim report to the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations;

3. *Requests* the Panel of Experts to coordinate its activities as appropriate with the operations of the African Union/United Nations Hybrid operation in Darfur (UNAMID), and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), and progress towards reducing impediments to the political process, threats to stability in Darfur and the region and other violations of the above-mentioned resolutions;

4. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004);

5. *Decides* to remain actively seized of the matter.

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Letter dated 14 October 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to bring to your attention a note verbale from the Foreign Ministry of Rwanda to the Ministry of Foreign Affairs and Cooperation of the Democratic Republic of the Congo (see annex). Included also is a detailed account of collaboration of the Armed Forces of the Democratic Republic of the Congo and the Ex-FAR Interahamwe/Forces démocratiques de libération du Rwanda.

I request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Joseph **Nsengimana**
Ambassador
Permanent Representative

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Annex to the letter dated 14 October 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Kigali, 10 October 2008

The Ministry of Foreign Affairs and Cooperation of the Republic of Rwanda presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo and wishes to express to you and the international community as a whole our deepest concerns in relation to the information and reports reaching us that in the current war in the eastern Democratic Republic of the Congo, involving FARDC and rebel forces, your army is fighting in alliance with the ex-FAR Interahamwe/FDLR.

This is unacceptable and is tantamount to effectively arming and therefore strengthening these genocidal forces, contrary to the letter and spirit of the Lusaka Agreement, the Pretoria Agreement, the Nairobi communiqué, the recent Security Council resolution 1804 (2008) and the Pact on Security, Stability and Development in the Great Lakes Region, and is indeed contrary to the Tripartite Plus arrangements that we both subscribe to.

The Government of the Republic of Rwanda further expresses strong concern about recent reported atrocious acts by Democratic Republic of the Congo security agencies in the form of abducting, torturing and even killing innocent Rwandans in the eastern Democratic Republic of the Congo.

The Government of the Republic of Rwanda demands that the dangerous association with the very forces that are the root cause of instability in our region cease. We equally urge that the Democratic Republic of the Congo Government agencies urgently stop the harassment and torture of Rwandan citizens in the Democratic Republic of the Congo.

The Ministry of Foreign Affairs and International Cooperation
of the Democratic Republic of the Congo
Kinshasa

The Secretary-General of the United Nations
New York

The Chairperson of the African Union Commission
Addis Ababa

European Union Special Representative to the Great Lakes
Brussels

The Government of the United States of America
Washington, D.C.

Enclosure

Evidence of collaboration among ex-FAR Interahamwe/FDLR, PARECO, Mai-Mai and FARDC in the latest fighting

Reliable sources indicate that:

1. On 20/09/2008, a meeting was held in Masisi (Nyabiondo) between FARDC 81 Bde Commander, Col. Yave Yolo with the Commander of the FDLR 2 Bn, Lt. Col. Evariste Kanzeguhera and Col. Mugabo of PARECO and was decided that Lt. Col. Kanzeguhera would coordinate all FDLR and PARECO forces in the area and deputize Col. Yave Yolo of FARDC in the ongoing offensive against CNDP and agreed that all logistics will be provided by FARDC.

2. On 20 September, FARDC 8 MR supported by 4 Bns of PARECO, FDLR 1 Div and Reserve Bde launched a major offensive against CNDP positions in Masisi and in Rutshuru territories respectively.

3. In a related development, on 21/09/2008, FARDC 82, 14, 8, and 81 Bdes supported by FDLR 2 Bn and PARECO attacked CNDP positions along Sake, Ngungu, Nyabyondo and Bihambwe.

4. On Ngungu axis, FARDC 14 Bde under Col. David Rugayi with support of FDLR 1 Bn/Reserve Bde under the command of Lt. Col. Samuel Nsengiyumva alias Cirus attacked the rear of CNDP positions.

5. In Rutshuru territory, on Kanyabayonga-Kikuku-Nyanzare axis, FARDC 15 Bde commanded by Col Richard Mwungura with reinforcement of FDLR 1 Bn/1Div under the command of Lt Col Elie Muturambirwa alias Safari Martin reinforced FARDC 15 Bde while 3 Bn/1 Div under Lt. Col Marc Habimana alias Ndinzimihigo reinforced FARDC 2 and 6 IBs under Cols Kasongo and Antoine Mushimba against CNDP forces in Runyoni and Bunagana.

6. On Katare-Kashebere axis, FARDC 81 Bde under Col Yave Yolo supported by FDLR 2Bn/1 Div under Lt. Col Jean Paul Ndinzimihigo and 02 PARECO Bns under Lt. Col Dan Safari attacked CNDP forces.

7. On 22 September, the FDLR/FOC 2 I/C Brig. Gen. Nzeyimana Stany alias Bigaruka while on a tour to South Kivu province based FDLR 2 Div, held a meeting with FDLR/2 Div Comdrs at Mwenga (FDLR 2 Div HQs). His visit was aimed at boosting morale of the combatants and to inform them about the renewed collaboration with FARDC following the latest hostilities. He asked them to be ready to support FARDC against CNDP as well as intensify cross border infiltrations inside Rwanda similar to the ones carried out between 1997-1998 so as to achieve their objective.

8. On 23 September 2008, a combined force of FARDC 15 Bde commanded by Richard Mwungura and FDLR 1 Bn/1Div under the command of Lt. Col Elie Mutarambirwa alias Safari Martin launched an attack on CNDP 1 Bde/sector II commanded by Lt Col SALONGO in Gashunga and Mweso centre, Masisi territory. The fighting followed heavy movements of FARDC and FDLR forces in the area which was originally held by CNDP. On the same date, a combined force of FARDC 2 Bde under the command of KASONGO and FDLR

3Bn/1Div launched an attack on CNDP forces in Rumangabo, Kanombe, Busanza and Nkokwe in Rutshuru territory.

9. On 24 September 2008, a coalition of FARDC 6, 2 Bdes and FDLR 3 Bn/1Div attacked CNDP positions at JTN, Rugari and South Nyanzale, 30 Km from Goma Rutshuru road.

10. On 25 September 2008, FARDC supplied military equipment (2,000 AK-47 rifles, ammunitions and RPG rockets) to FOCA in the area of Kalonge. The equipment was received by the Reserve Brigade deployed in the vicinity of the FOCA HQ.

11. An FDLR force deployed in the Katanga province on the shores of L. Tanganyika recently received fresh military supplies from FARDC 1 Navy Regiment Comdr, Brig. Gen. MADOWADOWA. The supplied military equipment include; GPMGs (04), MMGs (05), RPGs (03), 60 mm mortar (03), 80 mm mortar (03), man pack radio and 04 Motorola walkie-talkies.

Note:

1. The collusion of FARDC and Ex-Far interahamwe/FDLR is in contradiction with the Nairobi Communiqué, the recent UN resolution 1804 and the Pact on Security, Stability and Development in the Great Lakes region.

2. The allegations of the government of the Democratic Republic of the Congo that Rwanda violated its Sovereignty is unfounded. This allegation was also disputed by MONUC in an article: UN News Service of 9 October 2008.